



**US Army Corps  
of Engineers  
Louisville District**

# Public Notice

Public Notice No.

200400031

Date:

14 Jul 04

Closing Date:

13 Aug 04

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Louisville District

ATTN: Mr. Russell L. Retherford, CELRL-OP-FS

P.O. Box 489

Newburgh, Indiana 47629

Phone: (812) 853-7632

This notice announces an application submitted for a Department of the Army (DA) Permit, subject to Section 10 of the Rivers and Harbors Act of 1899.

**APPLICANT:**

James Marine, Inc.  
P.O. Box 2305  
Paducah, Kentucky 42003

**AGENT:**

Mr. John Bailey  
6355 St. Andrews Drive  
Paducah, Kentucky 42001

**LOCATION:**

The proposed fleeting area is on the right bank of the Ohio River between Miles 932 and 934, near Brookport, in Massac County, Illinois and McCracken County Kentucky

Latitude: 37-04-41.8409

Longitude: 88-33-53.5262

7.5 Minute Quad: Paducah East, Kentucky-Illinois

**PURPOSE:**

To establish fleeting areas for loaded and empty barges.

**DESCRIPTION OF WORK:** The applicant proposes to establish 8 barge-fleeting areas on this reach of the Ohio River. The configuration for each fleet would be 5 barges long and 6 barges wide. The total number of barges for the entire area would be 240. The maximum projection for fleets 1, 2, 3, 4, 7 and 8 at normal pool would be 310 feet. The maximum projection for fleets 5 and 6 at normal pool would be 360 feet.

The physical process of mooring would be accomplished by attaching a fleet barge to 1-inch wire and anchor chains that would emanate from the top of the riverbank. The anchor chains would be attached to deadmen, which would consist of a 12 inch steel beam and 8 cubic feet of concrete, buried 15 foot deep. Twenty-four (24) deadmen, 3 for each fleet, would be installed at the top of bank above the Ordinary High Water (OHW) elevation.

The loaded fleeted barges would contain dry bulk commodities, primarily consisting of coal, quarry run rock, gravel, corn, soybeans, wheat and other agricultural products. Red flag barges are also proposed to be present in the fleets. They would contain petrochemicals, etc.

REVIEW PROCEDURES: A DA Permit cannot be issued if any legally required Federal, State, or local authorization or certification is denied.

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Based on available information, the proposed activity will not destroy or endanger any Federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest, which might be damaged by issuance of the DA Permit.

The National Register of Historic Places has been examined, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archaeological, scientific, pre-historical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic values, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and in general, the needs and welfare of the public.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also

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used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in the determination on this permit request. Any objections which are received during this period will be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. A permit will be granted unless its issuance is found to be contrary to the public interest.

Information pertaining to this application is available for public examination during normal business hours upon prior request. All comments regarding this proposal should be addressed to Mr. Russell L. Retherford, CEORL-OP-FS at the address noted above and should refer to the Public Notice Number 200400031.